IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY SIXTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 21632 of 2004

Between:

Lt (MRS) R.S. Rebecamma, Ex. MNS,
R/o H.No. 42-1, Coles Compound, Kurnool - 518 001. (AP).

..... PETITIONER

AND

1 The Zilla Sainik Welfare Officer, B.Camp, Kurnool - 518 002.
2 The Director, Rajya Sainik Board, Block IV, Second Floor,
Gruhakalpa Complex, Nampalli, Hyderabad.
3 The District Collector,Kurnool, Collector's Complex, Kurnool, A.P.
4 The Superintending Engineer, Irrigation circle (KCC) Division,
Kurnool, A.P.
5 The Director, Kendriya Sainik Board, Govt. of India,

Ministry of Defence, DGR West Block IV,
RK Puram, New Delhi.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order, or direction more particularly one in the nature of writ of Mandamus declaring the action of the respondents in not assigning the land Ac.3.50 cents in Survey No. 128/5B3 as KCC(B) class poramboke, situated at Mamidalapadu Village, Kurnool District under Ex. Servicemen's category is illegal,arbitrary and consequently direct respondents to assign the Ac. 3.50 cents in survey No. 128/5B3 as KCC class Poramboke to the petitioner.

Counsel for the Petitioner:PARTY-IN-PERSON

Counsel for the Respondents : GP FOR ASSIGNMENT

The Court made the following :

ORDER:

In pursuance of the direction in Writ Petition No. 9729 of 2004 dated 20th September,2004, the third respondent considered the case of the petitioner and rejected the same and directed to identify the alternative land assignment under Ex.servicemen's Quota in Rural Mandal only.Challenging the same, the writ petition is filed .

The writ petitioner contended that an extent of Ac.3.50 cents in Survey No.128/5 B3 of Mamidalapadu (Village), Kurnool District is available and without assigning any reason the Collector rejected her case and therefore, as party in person prays to quash the same .

The learned Government Pleader opposed the writ petition on the ground that if at all the petitioner is entitled, she is entitled under the Ex.servicemen's quota in Rural Mandal only and therefore, there are no grounds to interfere with the impugned proceedings.

This Court in its orders dated 20-9-2004 in writ petition No. 9729 of 2004 directed the third respondent to take appropriate action on the application of the petitioner for assignment of land within a period of eight weeks from the date of receipt of this order. It is also made it clear that it shall be open to the third respondent to consider the application of the petitioner for assignment of any other land other than the land identified for such assignment. In pursuance of the order, the present impugned proceedings dated 26-10-2004 is issued . On perusal of the impugned proceedings shows no reason assigned as to why the land claimed by the petitioner to the extent Ac. 3.50 cents in Survey No 128/5 B3 of Mamidalapadu (Village), in Kurnool District cannot be assigned to the petitioner. If the Revenue authorities considered any difficulty to assign the land it should assign the reasons

for not assigning the land to the petitioner. Therefore, the impugned proceedings are not passed in accordance with the direction of this court.

Therefore, the impugned proceedings are quashed and accordingly the respondents are directed to consider the application of the petitioner for assignment of the land claimed by her, if it is not possible the same may be informed with valid reasons.

This writ petition is accordingly disposed of at the stage of admission.

KCB, J

26-11-2004

Stp

To

1 The Zilla Sainik Welfare Officer, B.Camp, Kurnool - 518 002.
2 The Director, Rajya Sainik Board, Block IV, Second Floor,
Gruhakalpa Complex, Nampalli, Hyderabad.
3 The District Collector,Kurnool, Collector's Complex, Kurnool, A.P.
4 The Superintending Engineer, Irrigation circle (KCC) Division,
Kurnool, A.P.
5 The Director, Kendriya Sainik Board, Govt. of India,

Ministry of Defence, DGR West Block IV,
RK Puram, New Delhi.

6 2CCs to GP for Assignments, High Court Buildings,

Hyderabad (OUT).

7 2CD copies

THE HON'BLE MR JUSTICE K.C. BHANU

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